

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

#### GOVERNMENT OF GOA

Department of Urban Development

Directorate of Municipal Administration

#### Notification

10/308/2000-DMA/378

The following draft amendment which is proposed to be made to the Goa Municipalities (Election) Rules, 1969, is hereby pre-published as required by sub-section (3) of section 306 of the Goa Municipalities Act, 1968 (Act 7 of 1969), for the information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Joint Secretary to the Government, Department of Urban Development, Collectorate Building, Ground Floor, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

#### DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (2) of section 18, read with sub-section (2) of section 306 of the Goa Municipalities Act, 1968 (Act No. 7 of 1969), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Municipalities (Election) Rules, 1969, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Municipalities (Election) (Amendment) Rules, 2000.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa Municipalities (Election) Rules, 1969 (hereinafter called the "principal Rules"),—

(i) after clause (a), the following clauses shall be inserted, namely:—

"(aa) "Commissioner" means the State Election Commissioner appointed under section 237 of the Goa Panchayat Raj Act, 1993 (Act 14 of 1994);

(aaa) "Election" means an election to fill a seat or seats in a Municipal Council;"

(ii) after clause (b), the following shall be inserted namely:—

"(bb) "Returning Officer" or "Assistant Returning Officer" means an officer duly appointed by the Commissioner;

(iii) after clause (c), the following shall be inserted, namely:—

"(d) "Voter" means a person entitled under section 12 of the Act to vote at an election;

(e) "ward" means a ward of Municipal Council;

(f) "words and expressions used but not defined in these rules, shall have the same meaning as assigned to them in the Act."

3. *Amendment of rule 4.*— In rule 4 of the principal Rules,—

(i) in sub-rule (1), for clause (c), the following shall be substituted, namely:—

“(c) the last date for withdrawal of candidature, which shall be a date not later than the third day for scrutiny of nominations,”;

(ii) in sub-rule (2), for the words “not less than four weeks”, the words “not less than seven days” shall be substituted.

(iii) sub-rule (3) shall be omitted.

4. *Amendment of rule 12.*— In rule 12 of the principal Rules, in sub-rule (4), after the words “of which he is a member”, the words “supported by a certificate issued by a competent authority to that effect” shall be inserted.

5. *Amendment of rule 14.*— In rule 14 of the principal Rules, in sub-rule (1), for the words “a sum of rupees two hundred fifty”, the expression “a sum of Rs. 500/- for general category and Rs. 300/- for reserved category” substituted.

6. *Omission of rule 15.*— Rule 15 of the principal Rules shall be omitted.

7. *Amendment to rule 16.*— In rule 16 of the principal Rules,—

(i) in sub-rule (1), for the existing Schedule, the following Schedule shall be substituted, namely:—

#### “SCHEDULE

1. Aeroplane
2. Almirah
3. Baby Doll
4. Ball
5. Camera
6. Car
7. Desk
8. Door
9. Envelope

10. Fire Engine

11. Flute

12. Frying Pan

13. Gas Cylinder

14. Gas Stove

15. Hanger

16. Hat

17. Ink Pot and Pen

18. Jeep

19. Kite

20. Lock and Key

21. Pressure Cooker

22. Railway Engine

23. Road Roller

24. Sewing Machine

25. Stool

26. Table Lamp

27. Television

28. Violin

29. Walking Stick

3. Whistle.”;

(ii) for sub-rule (2), the following shall be substituted, namely:—

“(2) The Returning Officer shall assign to each candidate one symbol in the order of symbols mentioned in the Schedule to sub-rule (1) and after arranging the names of the final list of candidates in alphabetical order in Roman script, as required under sub-rule (4) of rule 16.”;

(iii) sub-rule (3) shall be deleted.

8. *Amendment of rule 17.*— In sub-rule (1) of Rule 17 of the principal Rules,—

(i) in clause (a) the words “where no appeal is presented under rule 15” shall be omitted;

(ii) clause (b) shall be deleted.

9. *Amendment of rule 24.*— In sub-rule (2) of rule 24 of the principal Rules, the words "and if no appeal under rule 15, has been filed or if the appeal or appeals so filed, have been duly rejected", shall be deleted.

10. *Amendment of rule 33.*— In rule 33 of the principal Rules, after sub-rule (3), the following shall be inserted, namely:—

"(4) The identity of voters shall be governed by notifications/orders issued by the State Election Commission in this regard from time to time."

11. *Amendment of rule 36.*— For rule 36 of the principal Rules, the following shall be substituted, namely:—

"36. *Issue of ballot paper.*— (1) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the State Election Commission may direct and every ballot paper, before it is issued, shall be signed in full on its back by the Presiding/Polling Officer.

(2) Before the issue of ballot paper to an intending voter,—

(a) his name and serial number in the voter's list shall be called out so that all present can hear them;

(b) the electoral roll number of the elector as entered in the marked copy of the electoral roll shall be recorded on its counterfoil;

(c) the signature or thumb impression as the elector shall be obtained on the counterfoil;

(d) the name of the elector shall be marked in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him alongwith the serial number of the ballot paper issued to that elector;

(3) Where objections are raised by candidates and/or their agents, the Presiding Officer shall dispose of such objections as provided in rule 34 and when satisfied that the intending voter is entitled to vote and has not yet voted, shall direct the Polling Officer to issue him a ballot paper as provided in this rule.

(4) Save as provided in sub-rule (2), no person in the polling station shall note down the serial number of the ballot paper issued to a particular voter."

12. *Amendment of rule 62.*— In rule 62 of the principal Rules, for sub-rule (1), the following shall be substituted, namely:—

"(1) On expiry of a period of 60 days from the date of publication of the result of the election or where an application challenging the validity of an election has been made, on expiry of a period of 60 days from the date of decision on such application, whichever is later, the Commissioner shall destroy the ballot papers, subject to any direction to the contrary given by the Government or by a competent Court in case any election petition is pending before any court."

13. *Insertion of new rule.*— After rule 63 of the principal Rules, the following rule shall be inserted, namely:—

"64. *Power to removal of difficulties.*— Notwithstanding anything contained in these rules, the Commissioner may issue such orders or instructions, as deemed necessary, to the Returning Officers and/or the Assistant Returning Officers for effectively conducting the elections."

14. *Amendment of Forms.*— In the principal Rules,—

(i) for Form I, the following shall be substituted, namely:—

FORM I

(See rule 4)

Office of the State Election Commission

Order

No.

In pursuance of sub-rule (1) of rule 4 of the Goa Municipalities (Election), Rules, 1969, I, the Commissioner hereby appoint in relation to the election to the ..... Council by the ward specified in column (1) of the Schedule hereto—

(a) Name of Returning Officer or Assistant Returning Officer specified in column (2) (against the ward specified in column (1) hereinafter referred to as "against the ward").

(b) the date and time specified in column (3) (against the ward) thereof, to be the last date and for making nomination;

- (f) the date specified in column (7) (against the ward), to be the date for the publication of the list of contesting candidates;

- (j) the place specified in column (11) (against the ward), to be the place for counting of votes.

[illegible]

(ii) for Form II, the following shall be substituted, namely:—

which is a Scheduled \*Caste in relation to the State of Goa. Tribe

"FORM II

[See rule 12(2)]

Nomination Paper

PART - A

Election to the Council

(To be filled in by the Proposer)

I hereby nominate ..... as a candidate for election from the ..... ward .....

(Name) (Number)

Name of Candidate .....

Father's/Husband's name .....

Age .....

Full postal address of the candidate .....

In a ward having a reserved seat, state the particulars of the Caste or Tribe to which the candidate belongs.

The name or number of the ward in which the name of the candidate is entered as a voter in the list of voters.

Serial number of the candidate in the list of voters of the ward aforementioned in which his name is entered as a voter.

Name of the proposer .....

Serial number of the proposer in the list of voters of the ward.

Date Signature of Proposer

(Declaration by Candidate)

I hereby signify my willingness to serve as a Councillor if I am elected.

Date: Signature of Candidate

PART - B

Further declaration to be made by a Scheduled .Caste or a Scheduled Tribes Candidate

I hereby declare that I am a member of the \*Caste Tribe

Date: Signature of Candidate

Serial No. of nomination paper .....

This nomination was delivered to me at my office at ..... (hour) on ..... (date) by the \*Candidate of the candidate.

\*Proposer

Date: Signature of Returning Officer

Decision of Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 13 of the Goa Municipalities (Election) Rules, 1969, and decide as follows:-

Date: Signature of Returning Officer.

\*Strike off if necessary.

"FORM X

(See rule 28)

Municipal Council .....

Ward/Constituency No. ....

Serial No. ....

FORM X

(See rule 28)

Ballot Paper

Serial No. ....

1. Name of candidate Symbol

M. C. .... Ward No. ....

2. Name of candidate Symbol

3. Name of candidate Symbol

4. Name of candidate Symbol

(iv) for Form XIII, the following shall be substituted namely:-

"FORM XIII

(See rule 43)

Ballot Paper Account

Election to the ..... Council from .....  
Ward.  
Polling Station .....

Serial No.	Form ..... to	Total Nos.
(1)	(2)	(3)

- (1) Number of ballot papers received by the Presiding Officer at the Polling Station or if the Polling Station has more than one booth, at each booth.
- (2) Number of ballot papers issued to voters.
- (3) Number of unused ballot papers returned.

(4) Number of ballot papers cancelled.

(5) Number of tendered ballot papers used.

(6) Number of ballot papers in ballot boxes.

Signature of the Presiding Officer

Place:

Date:

Note:— If polling station has more than one polling booth, separate account in this Form shall be attached to this account in respect of each such polling booth."

By order and in the name of the Governor of Goa.

G. M. Salkar, Director of Municipal Administration/Ex-Officio Jt. Secretary (UD).

Panaji, 7th May, 2000.